

1 Gary S. Lincenberg - State Bar No. 123058  
glinenberg@birdmarella.com  
2 Ariel A. Neuman - State Bar No. 241594  
aneuman@birdmarella.com  
3 Ray S. Seilie - State Bar No. 277747  
rseilie@birdmarella.com  
4 BIRD, MARELLA, BOXER, WOLPERT, NESSIM,  
DROOKS, LINCENBERG & RHOW, P.C.  
5 1875 Century Park East, 23rd Floor  
Los Angeles, California 90067-2561  
6 Telephone: (310) 201-2100  
Facsimile: (310) 201-2110

7 Attorneys for Defendant Stephen Keith  
8 Chamberlain

9  
10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**  
12

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v

16 MICHAEL RICHARD LYNCH AND  
STEPHEN KEITH CHAMBERLAIN

17 Defendants.  
18

CASE NO. 3:18-cr-00577-CRB

**DEFENDANT CHAMBERLAIN'S  
RESPONSE TO GOVERNMENT'S  
MOTION FOR RULE 17  
SUBPOENAS**

Date: November 8, 2021

Time: 1:30 p.m.

Crtrm.: 6

Assigned to Hon. Charles R. Brever

1 Chamberlain does not in principle oppose the government's request that the  
2 Court issue subpoenas to the seven individuals identified in the government's  
3 motion. But the government has not yet prepared the actual proposed subpoenas,  
4 and Chamberlain respectfully submits that the Court should not rule on the  
5 government's motion until it has done so. To that end, the parties are meeting and  
6 conferring in an effort to reach agreement on the form and content of the  
7 government's proposed subpoenas, and have agreed that a hearing on this motion be  
8 set on December 8, 2021, or at a time convenient to the Court.

9 Chamberlain also notes two factual misstatements in the government's brief.  
10 First, the government states that Chamberlain "now works for [Lynch]". Mot. at 2.  
11 That statement is not correct. Chamberlain is currently on leave from his prior  
12 employment by a company called Darktrace. Before that, he worked for Sepura, HP,  
13 and Autonomy, respectively. He has never "worked for" Lynch.

14 Second, the government states that all seven proposed subpoena recipients  
15 "followed Lynch from Autonomy to HP in 2011, and then to Invoke Capital or  
16 Darktrace in 2012 or later." Mot. at 3. That also is not accurate. First, not all of the  
17 individuals worked for Autonomy at the time of the HP acquisition. Second,  
18 Autonomy naturally became part of HP following the acquisition in 2011; those who  
19 were at Autonomy merely continued their employment with Autonomy post-  
20 acquisition. In other words, no one "followed" Lynch to HP. Third, most of these  
21 individuals did not depart HP with Lynch in 2012. Thus, the government's  
22 characterization of the chronology is misleading.

23 Finally, the government leaves the misleading impression that it has been  
24 deprived of information from these witnesses. However, six of the seven proposed  
25 subpoena recipients on the government's list have provided statements and/or  
26 testimony relating to the government's allegations—either in government interviews,  
27 the grand jury, and/or the U.K. civil trial.

28 Nevertheless, Chamberlain does not oppose a streamlined subpoena that

1 focuses on the Count 17 allegations relating to the disputed claim that Lynch  
2 attempted to improperly influence the testimony of these witnesses.

3 DATED: November 24, 2021

Gary S. Lincenberg  
Bird, Marella, Boxer, Wolpert, Nessim,  
Drooks, Lincenberg & Rhow, P.C.

6  
7 By: 

8 Gary S. Lincenberg  
9 Attorneys for Defendant Stephen Keith  
10 Chamberlain  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28